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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [UP](#)
SUBJECT: UKRAINE: ODDS MOUNTING AGAINST A TYMOSHENKO
PREMIERSHIP

REF: A. KYIV 2766

[1](#)B. KYIV 2813

Classified By: Ambassador for reasons 1.4(a,b,d).

[1](#)1. (C) Summary: After visiting EUR DAS Kramer's series of meetings with top Ukrainian political figures, it is clear that the path to the premiership for Yuliya Tymoshenko will be difficult and is still far from certain. Presidential Administration head Baloha said that he was "101%" certain that an orange coalition and Tymoshenko premiership was assured by November 30, but only if she met all the pre-conditions laid out by the President, now to include explicit statements in the coalition agreement backing NSDC Secretary Plyushch as Speaker and the President's nominee (to

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be named) as Kyiv Mayor. Otherwise it would be impossible. OU Defense Minister Hrytsenko noted additional presidential preconditions -- including canceling "objectionable provisions" in the coalition agreement and signing a letter on applying for a NATO Membership Action plan (also mentioned by Baloha), and an assumption that Plyushch would be Speaker. Plyushch told DAS Kramer that he "would do whatever the President asked" although his goal in the process has been to find a formula leading to a coalition of more than 300 that could change the constitution and return stability to the political process. OU-PSD head Lutsenko worried that a presidential decision to put Plyushch forward as Speaker could irretrievably damage the orange coalition and spike Tymoshenko's chances to head the government. Tymoshenko Advisor Nemiryia said that he was 70% confident that Tymoshenko would succeed in forming a coalition, but if not, she was prepared for opposition. PM Yanukovych was confident that he would remain in office as PM, and in several conversations, assuming that Tymoshenko failed, Yanukovych was mentioned as a likely "acting PM" for the next months or years. He also was ready to go into opposition. Potential spoiler Lytvyn argued that his bloc would not "join" any existing bloc, but he did not rule out helping to create a bloc if approached.

[1](#)2. (C) Comment. Although Baloha oozed confidence that he (and the President) were in control of the situation, many in Kyiv still see the situation as in flux, with some going so far as to suggest that Yushchenko has not yet made up his mind about which way to go. With the Rada now scheduled to open on November 23, the parties are entering the political end game and although Baloha suggested that the Presidential Administration was orchestrating everything, it seems clear that there are many unknowns about what will actually happen over the next few weeks (as Baloha suggested) or the next month (the Rada has 30 days after opening to form a coalition and a government). Although we laid out numerous scenarios in ref B, it looks like there are two main choices:

Tymoshenko will succeed in getting her orange coalition and the premiership; or if she fails, Yushchenko will attempt to prompt a coalition-less Rada to begin its work and leave Yanukovych and his Cabinet in acting status, remaining in office as long as they cooperate with the President. During his meetings, DAS Kramer stressed the USG policy that we have no favorites among the potential coalitions, but urged the political parties to reach agreement on a government as soon as possible so that we could get down to business in managing the important issues in the bilateral relationship. End Comment.

Baloha - In Control of the Situation

13. (C) Leading off with the statement that "Plyushch will be the Speaker, unless the President changes his mind," Presidential Administration head Baloha laid out what he termed "the one option regarding the future prime minister." He said that on November 23 after the Rada opened, OU faction head Kyrylenko and BYuT leader Tymoshenko would sign a coalition agreement -- one that "we, without a doubt, will support." However, whether Tymoshenko becomes PM would depend on whether she agreed to several conditions, specifically and explicitly included in the coalition agreement. First, the name of the future Speaker, Plyushch, would be included. And second, the name of the next mayor of Kyiv (to be proposed by the President and supported by Tymoshenko) would also be noted. Later Baloha said that the name of the next mayor would come from a list of 5-7 nominees proposed by Yushchenko; Tymoshenko could choose from these names. If this was agreed, Baloha said that Tymoshenko would be approved as Prime Minister by "the end of the month. There are no other conditions, everything else was taken care of (including legislation prepared under his leadership), -- only these two points remained." Interestingly, Baloha thought that Tymoshenko would be able to accept the idea of

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Plyushch as Speaker much more easily than surrendering her right to influence the nomination of the orange candidate to be the next Mayor of Kyiv. He also noted that Yushchenko had supported OU-PSD head Lutsenko as the mayoral candidate, a position Lutsenko had long-talked about, but that Tymoshenko had rejected the idea. (Note. Per ref b, many here see this position as the fourth-most powerful post in the country, after President, PM and Speaker, and an excellent place from which to launch a presidential bid, even though the position is not currently empty and could only be opened up through complicated recall legislation through the Rada. End note.)

14. (C) Baloha acknowledged that it would be problematic for Tymoshenko to get the votes for PM-- 100% of coalition members must vote and if some of the coalition members do not vote for Plyushch as Speaker, then the same number would not vote Tymoshenko as PM. When DAS Kramer asked how the coalition would know who voted (since the vote for Speaker is a secret ballot; the PM vote an open ballot), Baloha said only that he would know, but the bottom line was that if Plyushch did not win the vote for Speaker, there would be no vote for Tymoshenko as PM. Regarding the ability of OU-PSD and BYuT deputies to follow party discipline and vote as instructed, Baloha said that OU-PSD was in good shape. Prior to these elections, the OU list had been cleaned up and he was confident about the support of these deputies. However, Tymoshenko had not done the same with her list and he had doubts about the loyalty of all of her deputies. For example in the spring, prior to the dissolution of the Rada, a group of 40 BYuT deputies were widely-known to be about to jump to the Government. Suprisingly, in the run-up to the pre-term elections, Tymoshenko had not dropped these people, many of whom had money, from her list and therefore, he was not sure that these people would support her.

15. (C) Denying that Yanukovych had any chance to be selected as PM, Baloha said that Yushchenko was committed to

laying the foundation for a stable government that could stay in power for a full five-year term. If Tymoshenko could meet all of the President's pre-conditions, then she could count on being in power for a long time. She had already agreed to give up her presidential aspirations and support Yushchenko for re-election in the coalition agreement. However, Baloha cautioned, written agreements and promises would not be enough to guarantee Tymoshenko the post. In Baloha's view, Yanukovych had signed all of the required papers to become Prime Minister and "look what happened. We're not that stupid to do it again with Tymoshenko." Baloha thought that Yushchenko and Tymoshenko needed to look into each other's eyes and reach agreement; he was still waiting for this to happen. Although denying that it was a precondition, Baloha mentioned that Tymoshenko also needed to sign the proposed letter regarding Ukraine's request for a MAP from NATO. In his words, "this is a game that will have to end; she will need to sign that letter."

¶6. (C) Wrapping up, Baloha said that three months ago, Yushchenko said that he supported the formation of an orange coalition -- and he said it again today. He noted that there have been small misunderstandings between members of the orange team, but that these misunderstandings stemmed from uncoordinated actions. Baloha said that he had been open and honest in laying out the way ahead and that he stuck by his 101% chance that there would be an orange government and a Tymoshenko premiership as long as she met all of the conditions. However, if not, then he would have to "take back all of my words. Everybody gets what they deserve."

Hrytsenko - More Work Ahead for Tymoshenko

¶7. (C) Defense Minister Hrytsenko asserted that there was a "90%" likelihood that NSDC Secretary Plyushch would be Rada speaker. In order for Tymoshenko to become Prime Minister, however, she had to demonstrate that she could exercise the appropriate leadership, fashion an effective coalition, and form a Cabinet of Ministers that would work well with the Rada. She had not demonstrated this capability when she was unable to overcome the impasse that delayed the functioning of the Rada Working Group. Tymoshenko would blame the Party of Regions, but Yushchenko would ask whether she had attempted to meet with Yanukovych to persuade Regions to take its seats on the Working Group. Tymoshenko could argue that she could not meet with Yanukovych and that he would manipulate such a meeting for his benefit, but Hrytsenko faulted her for not being willing to make the effort. Hrytsenko noted strong leadership would be necessary since, after the vote for the Prime Minister and Speaker, the Rada would immediately take up the Ukrainian budget.

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¶8. (C) Hrytsenko noted that Yushchenko had told him November 10 that he was concerned about the Working Group's failure to meet; this was a factor in his evaluation of Tymoshenko's prospects to become prime minister, but she would also have to meet other conditions. Hrytsenko wryly noted that the conversation had been carried in the press. (Note: Kommersant Ukrayina, in its November 12 edition, reported that microphones had not been turned off during Yushchenko's participation at a swearing-in ceremony for new soldiers. The paper noted that Yushchenko had met with Tymoshenko and OU-PSD political council chairman Vyacheslav Kyrylenko November 9 to urge both political factions to enter into negotiations with Party of Regions regarding a broad coalition. During the overheard conversation, Yushchenko disparaged Kyrylenko, implying that he did not want Kyrylenko to become Rada speaker and bemoaned BYuT and OU-PSD's unwillingness to negotiate with Regions.)

¶9. (C) Hrytsenko continued that Tymoshenko would need to agree cancel objectionable provisions of the coalition agreement -- the early abolishment of the military draft,

refunds of savings in three years, and the moratorium on land sales. In addition, Tymoshenko would need to agree to sign a draft letter to the NATO Secretary General formally requesting a NATO Membership Action Plan (MAP) for Ukraine. Hrytsenko said he had signed the letter of support for the coalition without reservations because the letter did not itself incorporate the coalition agreement, and its objectionable provisions, but simply said the signatories would approve the coalition agreement once it was introduced into the Rada. Later in the conversation, Hrytsenko said the draft letter was ready and had room for two signatures -- the President,s and the Prime Minister,s. Although Yushchenko could change his mind, Hrytsenko opined that the signature on the letter would be a prerequisite for Yushchenko,s backing of a prime ministerial candidate. Hrytsenko noted that the coalition agreement set MAP not as a rhetorical goal but specifying the legislation to be amended and that all other necessary steps would be taken to fulfill MAP. Tymoshenko had signed the coalition agreement.

¶10. (C) If these conditions were met, Hrytsenko said, Yushchenko would back Tymoshenko as Prime Minister and Plyushch as Rada speaker. OU-PSD would put forward serious candidates for its Cabinet allocations, which Tymoshenko would not oppose since OU-PSD had its agreed quota. OU-PSD would also support Plyushch if Yushchenko asked. In response to Kramer,s question regarding who was really in control, Hrytsenko pointed to the selection of Plyushch as evidence that, while Baloha might be an influence, Yushchenko ultimately made his own decisions. When Kramer sought confirmation that Plyushch and Baloha do not get along, Hrytsenko quipped, "They get, but not really 'along.'"

¶11. (C) Hrytsenko laid out the possibility of a caretaker government, with the Rada speaker elected but not the Prime Minister. While Yanukovych had zero chance of being selected as the next prime minister, he could continue on as an acting prime minister of this caretaker government, which could remain in place as long as a year. Yanukovych, unlike a month ago, was ready to stay on in this role. When Kramer mentioned that Yanukovych, in Kramer,s meeting, had appeared confident that he could become prime minister, Hrytsenko again quipped that Yanukovych was like the cuckolded husband who was the last to know that his wife was cheating. Hrytsenko said he would remain as Defense Minister if asked, giving up his Rada seat when the Cabinet was formed. He opined that Yatsenyuk might prefer the position of National Bank governor or to return to working in a government economic or financial position, but he did not definitely know. If Yatsenyuk were to leave, then presumably Presidential Adviser Oleksandr Chaliy might be a leading candidate for foreign minister.

Plyushch - Looking for a 300 plus Majority

¶12. (C) Noting that those who thought that the pre-term elections would change nothing were wrong, NSDC Secretary Plyushch said that the main goal right now was not to form a coalition, but instead was restore stability to political life. The constitutional amendments agreed in 2004 were clumsy and had upset the system of checks and balances. In Plyushch's view, what was needed now was a 300-vote coalition in order to change the constitution. He acknowledged that the constitution could also be changed via referendum, but that a referendum was an instrument that needed to be used carefully -- in March 1991, 70% of Ukrainians wanted to stay in the USSR; in December the same year, 90% had supported independence. According to Plyushch, the President is the

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sole legitimate entity in the country and bears the responsibility for creating the conditions of political stability and prosperity. He argued that it was impossible to support a decision endorsed by only one part of the population; that force alone could not implement the needed

political reforms to secure the balance of power. He noted that 228 votes for a coalition was not enough to bring stability. No matter how much Yushchenko might like the 228 votes, he could not forget that he represented all political forces and all Ukrainians.

¶13. (C) When DAS Kramer asked specifically how it would be possible to get the support of 300 deputies in the Rada, Plyushch said that this would only come about as a result of a political understanding between OU-PSD, Regions and BYuT. Once this general understanding was reached, Lytvyn's bloc would join in as well. Arguing that BYuT had more members than just Tymoshenko, who would definitely oppose this larger grouping, Plyushch said that some in OU-PSD would also oppose it, at a minimum the 13 OU-PSD field commanders who performed well only during revolutions. Yushchenko was not afraid of Tymoshenko or the 2010 elections. In the next two years he was committed to fulfilling his original campaign goals -- Ten Steps Toward the People -- but to do this he needed 300 votes. It was critical for Yanukovych and Tymoshenko to subordinate their efforts to form a coalition to the greater good of achieving political stability. Plyushch acknowledged that getting 300 votes was the goal, but if he failed, there would be no regrets for trying. In Plyushch's view, accepting a 228-vote coalition would be admitting that 300 was unattainable and then trying to choose the best of all the bad options.

¶14. (C) In Plyushch's mind, the ideal set-up would be for Yanukovych to be Speaker and Tymoshenko to be PM, but as of today, they could never negotiate a deal. Yanukovych is now willing, but Tymoshenko refuses. He said that he did not oppose Kyrylenko as Speaker -- "being young is not a drawback," however, as Speaker, Kyrylenko would not be a political participant, but a "non-factional deputy" responsible for the functioning of the Rada. When asked whether he would be Speaker, Plyushch said that no one had offered him the job and that he would prefer to stay at NSDC. However, he had come to NSDC because Yushchenko had asked him; if Yushchenko asked him to go to the Rada, he would fulfill his request. Plyushch was scathing in his criticism of Tymoshenko's campaign promises that were included in the draft coalition agreement, especially regarding the costs of abolishing military conscription and repaying the lost savings of Ukrainian depositors after the break-up of the USSR, noting that she did not yet have 228 votes for the orange coalition quipping "I won't give my vote easily."

Lutsenko - Against Plyushch As Speaker

¶15. (C) OU-PSD head Lutsenko said that Baloha and his group have not learned any lessons from the past and think they have much more bargaining power than they really do. He laid out several variants: Kyrylenko as speaker with Tymoshenko as PM; Plyushch as Speaker with a 90% chance that Yanukovych remains as acting PM and 10% that a coalition is formed to back Tymoshenko; Yanukovych as Speaker with Baloha as PM (Lutsenko believes this scenario is only possible in Baloha's mind, but at a later meeting Regions Deputy Bohoslovska laid it out for the Ambassador as a serious option, with Baloha, Yatsenyuk or Lytvyn as PM); and Lytvyn as Speaker with Tymoshenko as PM. Lutsenko said he would support any basic orange democratic coalition. Any other result would mean that he would go into the opposition with Tymoshenko. He does not hold her in high regard, referring to her several times as "neo-communist" (Bohoslovska's term was "neo-Bolshevik"), yet her policy goals of European integration, WTO, and steps to create an independent Ukraine track with his political vision. Lutsenko indicated that Baloha initially supported the first variant of Kyrylenko as Speaker and Tymoshenko as PM, but was convinced by Regions financier Rinat Akhmetov politically and personally (Lutsenko said Baloha has hundreds of thousands of dollars as a gift from Akhmetov in his safe) to support the variant of Plyushch as Speaker and Yanukovych as Acting PM.

¶16. (C) In Lutsenko's view, Yushchenko's political future

is virtually dead regardless of what comes out of the negotiations. The only thing Yushchenko can do that isn't political suicide is go with the first variant of Kyrylenko as Speaker and Tymoshenko as PM. Even then, Lutsenko could not see how Yushchenko could win a second term without a radical change in the election law. He said that his electorate would not forgive him for betraying the Orange and

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that Ukraine would turn into a two party system which Lutsenko thinks would be a tragic result for Ukraine. He says he joined OU because of his fear of a two party system and that as a practical matter, he needed OU,s support on election committees. (Embassy Note: As a recently-established political organization, People's Self Defense did not have standing under the election law to participate as an independent party. End note.) Lutsenko did not regret the decision and would make the same one in hindsight in spite of OU,s poor electoral showing and OU,s electoral mismanagement. However, if push came to shove, Lutsenko would go with BYuT into opposition and break away from OU. Lutsenko noted that Yushchenko is particularly frustrated with Baloha because once again, Yushchenko is faced with no good alternatives and needs to get his hands dirty in the negotiation process. Lutsenko noted one aspect of the close Yushchenko/Baloha relationship is a genuine friendship; another is that Baloha has been very active in pushing the President,s agenda by any means necessary. Lutsenko wryly noted a number of times this has allowed Yushchenko to distance himself from the day to day political fighting and focus on less urgent issues such as the Holodomor commemoration.

¶17. (C) Lutsenko did not believe that any coalition would be achieved before late December which means Yanukovych will remain as Acting PM and be able to use his position to bludgeon the Orange side on a daily basis. Lutsenko thought that a broad coalition between OU/Regions can't happen because at least half of OU (including his group) would not agree to a broad coalition and go into the opposition. Any broad coalition between OU/Regions would almost assuredly need the support of the Communists, a scenario that is unpalatable to both OU and Regions. He said that negotiations are even more complicated because Regions (encouraged by Baloha) are acting as if they won the election. According to Lutsenko, Lytvyn is a wildcard. Lutsenko claimed that Lytvyn was happy with the chaos because he is positioning himself to be the "man on the white horse" who could save Ukraine from its bickering politicians. Another reason Lytvyn was trying to stay above the fray was that he only represented himself and a few others in his bloc; he could not be certain that the other members of his bloc would support any deal that he made.

18, (C) Lutsenko lamented the politics of personalities among the "three dinosaurs". He noted his desire to become mayor of Kyiv, something that none of the three dinosaurs want, and described the overall political situation as dysfunctional, lacking any strategic vision or thinking. However, the Big Three are very careful not to allow up and coming politicians a platform to provide a better alternative and vision. Lutsenko does not personally care for Lytvyn but noted he at least can speak and think strategically. He says Lytvyn has little popular support (funding from Firtash among others) and it is unclear what if any agenda Lytvyn has to offer. However, if Lytvyn enters the fray on one side or the other, a coalition could form that would provide stability and could help make politics "normal" for a year to a year a half until the Presidential elections.

BYuT - Orange Still Possible

¶19. (C) Tymoshenko Foreign Policy Advisor Nemiryia told DAS Kramer that Tymoshenko was out of the country relaxing -- that's how confident she was in the outcome of the Rada

coalition negotiations. He explained that Tymoshenko would only consider two outcomes: either the premiership, which he put at about 70 percent, or opposition. Surprisingly, he mentioned that if Tymoshenko were to become prime minister, she was considering Beijing as her first official visit. He expressed regret that current NSDC Chairman Plyushch had a very good chance of becoming the Rada speaker, but seemed resigned to this outcome. Nemiryia said that that Krylenko from Our Ukraine, who had been considered a potential candidate for the Rada Speaker, had been undermined by Presidential Administration head Baloha. He opined that Lutsenko would make a good chairman of the NSDC, which he thought was poorly run by Plyushch. Nemiryia confirmed that Tymoshenko has not changed her position on refusing to sign the letter with Yushchenko on asking NATO for a MAP and that she would not sign unless it was modified. In her view, concern about Ukrainian energy security and ongoing gas negotiations with Russia further complicated the matter.

Yanukovych: Broad Coalition by mid-December

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120. (C) A relaxed and confident PM Yanukovych told DAS Kramer that he expected a broad coalition of Party of Regions, OU-PSD and the Lytvyn Bloc to be formed no later than mid-December, with 268 MPs and agreement that Yanukovych would remain PM. Otherwise, he said, Regions was ready to go into opposition, which would "not be a tragedy". He said that a three vote majority "orange coalition" could not function and cited his previous experience in 2004 when he needed a majority of 243 votes to run the Government effectively. Once the broad coalition was in place, he would be able to promote stability and undertake constitutional reform. When pressed on whether an orange coalition would even go up for a vote, he said if he were a betting man, the odds were 100 to 1 against it.

121. (C) DAS Kramer praised Yanukovych and other Ukrainian leaders for resolving their differences peacefully through elections and encouraged Yanukovych to continue to make Ukraine a good example of a functioning democracy for the region. However the USG hoped to see a government formed as soon as possible and that we would continue to have good cooperation with whatever coalition is formed. He warned that Western leaders could lose interest and ignore Ukraine if it did not put an end to the endless political wrangling.

122. (C) Yanukovych criticized Yuliya Tymoshenko for resorting to "populist" rhetoric during the final weeks of the election campaign and believed that her promises were unrealistic and meant to deceive voters. He said that Tymoshenko's campaign promises to professionalize the military by 2008 and return lost savings from Soviet-era banks created a rift in the BYuT/OU-PSD pre-election agreement forcing OU-PSD into an awkward position. He added that Tymoshenko's hopes for the presidency in 2009 would be shattered if she publicly went back on her campaign promises and hinted that some in BYuT may not support the coalition out of "principle". When asked by DAS Kramer about efforts to pressure BYuT and OU-PSD MPs to vote against the coalition, Yanukovych in a veiled reply said that Regions had not made any efforts to pressure MPs, but some individual MPs might have done so because they saw no other option.

Lytvyn: Waiting in the Wings

123. (C) Lytvyn told DAS Kramer that his position on coalitions remained the same -- he was ready to participate in the formation of a coalition, but he would not join a coalition that had already been formed. He said that he

wanted to support President Yushchenko, who had taken a consistent democratic position since 2004, but that he would not serve the interests of "those who speak on his behalf." According to Lytvyn, in the Rada, his bloc would support legislation proposed by Yushchenko, but that he could not join the orange coalition on the terms that they have proposed -- he did not want to "be a Moroz." He suggested that Yushchenko had not yet made a decision regarding the shape of the future coalition. If Tymoshenko was not successful, Lytvyn did not have another candidate in mind - his bloc would abstain. In Lytvyn's view, the best coalition would be a grand coalition of Regions, BYuT and OU-PSD; second choice would be orange; and third would be Regions, part of OU-PSD and the Communists. He thought that if Yushchenko allowed Tymoshenko to become PM, then he would be giving her his blessing as the next President. According to Lytvyn, if Yushchenko proposes Tymoshenko as PM, he would not support her candidacy or her campaign promises. Lytvyn said that he would consider supporting her nomination as PM if she had a real plan for achieving her promises, but that she had no plan. All in all, he predicted that it would take at least a month for the political game to play out, although it would move faster if orange succeeded in getting 228 votes for a coalition and a prime minister.

¶24. (C) In Lytvyn's view, his bloc will be a politically-neutral, friendly force that will support any proposals and legislative work that won't cause problems within the faction. A budget was a critical first step. He said that if Tymoshenko wanted to work hard and avoid her leftist leanings, then she would be successful. However, if she saw the premiership as a first step toward the presidency, then she would fail. Lytvyn urged that the Rada convene and be allowed to begin work and follow the procedures. However, he was concerned that some in Regions would not accept the idea of being in the opposition; it was critical that the President and a future PM ensure that Regions' deputies were turned into friends not foes. Lytvyn said that Yushchenko could not choose Kyrylenko to be

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Speaker; he would become Tymoshenko's deputy in the Rada. He thought it was likely that Yushchenko would support Plyushch for the job and that Tymoshenko would also support it. In his scenario, some in OU-PSD would not support Plyushch, but others in Regions would. At that point, it would be clear that Tymoshenko could not be elected as PM or form a government and Yanukovych would remain in place as Acting PM. After a year, if the government did well, Yushchenko could take the credit. If not, he could disband it. The future would be determined by Yushchenko in concert with Plyushch and Yanukovych. The only remaining issue would be what to do with Tymoshenko.

¶25. (U) DAS Kramer did not have an opportunity to clear this cable prior to departing from Kyiv.

¶26. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
Taylor